

RED METHODS LAYED TO U. S. IN SPY CASE

Counsel Tells High Court
Abel Was Victimized—But
Government Disagrees

WASHINGTON, Feb. 25 (AP).

—The Government was accused today of using procedures like those of the Soviet police in obtaining evidence against Col. Rudolf I. Abel, the Russian who was convicted of espionage and sentenced to thirty years' imprisonment.

Counsel for Abel made the complaint in arguing before the Supreme Court that Abel's conviction should be set aside on the ground he had been denied rights guaranteed by the Constitution.

Described by the Government as the highest-ranking Soviet spy ever caught in this country, Abel was arrested in New York City in 1957 by immigration agents who had a deportation warrant.

Search Called Illegal

A search of his quarters turned up evidence that was used against him in the espionage trial.

James B. Donovan, Brooklyn lawyer who defended Abel by court appointment, contended that the search and seizure of Abel's possessions was illegal because no search warrant had been issued.

"By the use of evidence thus obtained," Mr. Donovan said, "this man was convicted of a capital crime. [Abel] could have been sentenced to death. The only place criminal proceedings based on such practices occur is in police states like Nazi Germany and Soviet Russia."

Solicitor General J. Lee Rankin argued, in support of the conviction, that the search and seizure were legal.

"When a legal arrest occurs, it is not unconstitutional to make an appropriate search—without a warrant—of the person and immediate surroundings as an incident of the arrest and also to seize articles which could be seized if the search were made pursuant to a warrant," he insisted.

Chief Justice Earl Warren asked Mr. Rankin whether the Government thought at the time that it would get enough evidence by the search of Abel's quarters to support prosecution of the Russian on espionage charges.

"It was considered very remote that this could happen with such a skilled operator as Abel," Mr. Rankin replied. "One, or any one so skilled, was not expected to leave items of evidence around."

At the close of the arguments, Justice Warren thanked Mr. Donovan on behalf of the court for his presentation.

"I think I can say that in my time on this court no man has undertaken a more arduous, more self-sacrificing task," Justice Warren told Mr. Donovan. "We feel indebted to you and to your associate counsel, Thomas M. Debevoise. It gives us great comfort to know members of our bar association are willing to undertake this sort of public service in this type case, which normally would be offensive to them."

Justice Warren also thanked the Solicitor General for his efforts in presenting the position of the United States.

The court took Abel's appeal under consideration and will announce its decision later.

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